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PTO/SB/30 (08-00)  
OMB 0651-0031  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/588,696
Filing Date	June 7, 2000
First Named Inventor	Yujiro SUZUKI
Group Art Unit	2828
Examiner Name	Quyên P. Leung
Attorney Docket No.	325772017700

This is a Request for continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on December 20, 2002  
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other:
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other:

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.1039c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other:

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952 (referencing Docket No. 325772017700).
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 02/03/2003 EAREGAY1 00000096 031952 09588696
- iii. ☐ Other: 01 FC:1801 750.00 CH
- b. ☐ Check in the amount of \$ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Barry E. Bretschneider	Registration No. (Attorney/Agent)	28,055
Signature		Date	January 31, 2003

## CERTIFICATE OF HAND DELIVERY

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Washington, D.C. on January 31, 2003.

Melissa Garton

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



PATENT  
Docket No. 325772017700

CERTIFICATE OF HAND CARRY

I hereby certify that this correspondence is being hand carried to: Commissioner for Patents, Washington, D.C. 20231, on January 31, 2003.

  
Melissa Garton

#10  
2-6-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Yujiro SUZUKI

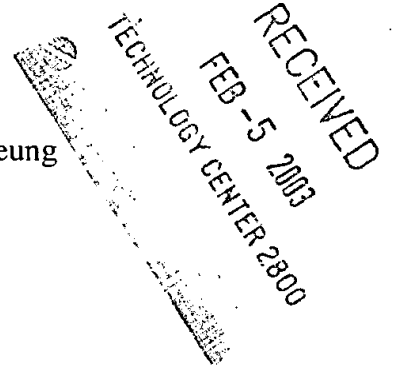
Serial No.: 09/588,696

Filing Date: June 7, 2000

For: NEAR FIELD LIGHT GENERATED  
DEVICE

Examiner: Quyen P. Leung

Group Art Unit: 2828



SUPPLEMENTAL RESPONSE

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to the examination of this application in light of the Request for Continued Examination (RCE) filed concurrently herewith, please reconsider this application in light of the following remarks:

REMARKS

This response supplements the amendment filed on December 20, 2003, which will be entered as a result of the filing of the RCE.

In the previous Action, the Examiner relied on *In re Hutchison*, 69 USPQ 138, and contended that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the element to have the *ability* to so perform. Based solely on this